

Exhibit 77

Sean Gouthro Deposition Excerpts

1 DISTRICT COURT
2 DISTRICT OF NEVADA
3 --oOo--
4 TESLA, INC., A Delaware :
corporation, :
5 :
Plaintiff, :
6 :
vs. : CASE NUMBER:
7 : 3:18-cv-00296-LRH-
MARTIN TRIPP, an individual, : cbc
8 :
Defendant. :
9 :
=====

10 MARTIN TRIPP, an individual :
: :
11 Counterclaimant, :
: :
12 vs. :
13 TESLA, INC., a Delaware corporation, :
14 =====

15
16 CONFIDENTIAL
17 VIDEO DEPOSITION OF
18 SEAN GOUTHRO
19 WEDNESDAY, MAY 29, 2019
20 RENO, NEVADA
21
22 Job No. 543507
23
24 Reported by: CAROL HUMMEL, RPR, CCR #340

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1 would be, termination of his employment, things of that
2 nature.

3 But again, specific conversations I was not
4 involved in, but that was what was relayed to me by Nick.

5 MS. LIBEU: And I'll object to the extent that
6 you're asking -- I realize your question is not
7 necessarily calling for -- to the extent it calls for
8 privileged communication with Tesla in-house counsel.
9 BY MR. MITCHELL:

10 Q Mr. Gouthro, just so we can save time here,
11 please presume that my questions are not asking you about
12 your discussion with any of Tesla's counsel.

13 A Okay.

14 Q Were you involved in any conversation with
15 anyone regarding Tesla filing a complaint against
16 Mr. Tripp?

17 A No.

18 Q Let's talk about the alleged phone call threat
19 on June 20, 2018. Can you tell me from your knowledge and
20 experience what happened the day Martin Tripp was accused
21 of threatening to shoot up the gigafactory?

22 A My initial reaction?

23 Q Just describe the day for me from your vantage
24 point.

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1 A I assumed the natural leadership
2 responsibility at that site because the call center being
3 essentially a nerve system, and then everything taking
4 place and not have a senior leader there. I got a phone
5 call from Jeremie Hansen of Fremont there was an email
6 threat that started from a Las Vegas call center. There
7 was a message that came across saying that Mr. Tripp was
8 armed, distraught, and that he was en route to the
9 facility.

10 I got a phone call from Mr. Jeremie Hansen
11 initially, which there was several phone calls that came
12 in right after the fact of the possibility that was
13 described to me that he was on his way to the gigafactory.

14 Q And who is Jeremie Hansen?

15 A He was a security manager of Fremont.

16 Q Would you describe for me these call centers
17 at Tesla, was there a call center at every location or --

18 A It wasn't from a security perspective. I
19 believe the one in Vegas was more of a service center for
20 the customers that call. Again, I don't know the exact
21 details of that specific call center itself. But that's
22 where the information originally came from.

23 Q Was your belief this was a call center where
24 owners of Tesla cars can call with issues regarding their

1 cars?

2 A To my understanding. But I'm not sure the
3 full extent of what the capabilities are.

4 Q What do you recall what happened next? You
5 described there was a series of phone calls. Tell me as
6 best you can recall about what happened over the course of
7 that day.

8 A There's several conversations that took place.
9 Number one is that -- you know, we never at that time, we
10 reacted because we did not have -- there's two things. We
11 did not have any armed presence at that facility to where
12 if there was an armed threat that was going to take place
13 there we didn't have the means to neutralize the threat.

14 Response times from Storey County or Washoe or
15 any surrounding neighboring areas is 20 minutes plus
16 because of the remote location of where the Tesla -- the
17 decision was made not to call 9-1-1 but to get in contact
18 with our points of contact at the sheriff's department to
19 ask for assistance. Meaning that we had a possible threat
20 at the time, right, and that we needed an armed presence
21 there.

22 Jeff Jones at that time sanctioned the fact
23 that we needed to have that there while he immediately
24 looked for off-duty officers from a contractual

1 perspective so that we could have a more recurring
2 presence there.

3 So got in contact with Storey County. Storey
4 County is very small, eight officers total that work
5 there. I was able to get the sergeant and two other
6 officers to come there, and then they also got in contact
7 with Nevada Highway Patrol to send an additional couple
8 units out there and just have an armed presence at
9 different spots throughout the facility in case there was
10 a credible threat of Mr. Tripp actually coming there.

11 During the same course of time I also asked
12 the question, we're receiving the information from
13 Las Vegas. It was never clearly articulated what location
14 he was on his way to. It could have been Fremont, it
15 could have been Sparks, et cetera, et cetera. But it was
16 presumed because of the fact that he was on administrative
17 leave at that time that the intent was for him to show at
18 the gigafactory. That's the reason why we made a decision
19 to have the armed presence there at that site that day.

20 Q Prior to this occurrence on June 20th, 2018,
21 did Tesla have any kind of armed security personnel on
22 site?

23 A No. It was a program that was being looked
24 into from a legal standpoint. But it was, at that time it

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1 MS. LIBEU: Objection. Assumes facts not in
2 evidence.

3 THE WITNESS: Verbally with my conversation
4 with Chief Dosen, it was that day. But from the
5 investigation report release it wasn't until I saw a
6 report come out with statements or accusations from them
7 with regard to that date.

8 BY MR. MITCHELL:

9 Q Was this in the afternoon or the evening that
10 you learned that they had determined there was no credible
11 threat?

12 A Based off the interview time they actually had
13 with him at the Nugget Casino, I believe it was around
14 between 5:00 and 6:00 P.M. But it went on for a few
15 hours.

16 Q Was this Chief Dosen that spoke with you about
17 this?

18 A Chief Dosen was our main point of contact
19 during that, yes.

20 Q When you received that information from
21 Sheriff Dosen, did you tell that to Jeff Jones?

22 A Yes.

23 Q Do you recall how soon after your call with
24 Sheriff Dosen that you spoke with Mr. Jones?

1 STATE OF NEVADA)
) ss.
2 COUNTY OF WASHOE)

4 I, CAROL HUMMEL, a notary public in and for
5 the County of Washoe, State of Nevada, do hereby certify:

11 That said transcript which appears
12 hereinbefore was taken in verbatim stenotype notes by me,
13 a Certified Court Reporter, and thereafter reduced to
14 writing by means of computer-assisted transcription as
15 herein appears;

20 I further certify that I am not an attorney or
21 counsel for any of the parties, nor a relative or employee
22 of any attorney or counsel connected with the action, nor
23 financially interested in the action.

MSJ 885